

Effective 12/08/2003  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180)

### Complete if Known

Application Number	10/660,112
Filing Date	September 10, 2003
First Named Inventor	Luskey, Kenneth L.
Examiner Name	Rebecca Cook
Art Unit	1632
Attorney Docket No.	016325-003721US

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims      Extra Claims      Fee (\$)      Fee Paid (\$)      Multiple Dependent Claims  
\_\_\_\_\_ -20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
Fee (\$)      Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims      Extra Claims      Fee (\$)      Fee Paid (\$)  
\_\_\_\_\_ -3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets      Extra Sheets      Number of each additional 50 or fraction thereof      Fee (\$)      Fee Paid (\$)  
\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Submission of Information Disclosure Stmt

Fees Paid (\$)

180

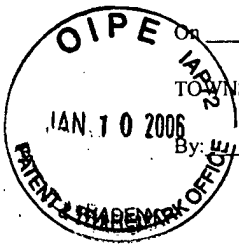
#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 46,946	Telephone 925-472-5000
Name (Print/Type)	Frank J. Mycroft		Date January 6, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PATENT  
Attorney Docket No.: 016325-003721US



On JANUARY 6, 2006  
TOWNSEND and TOWNSEND and CREW LLP  
By: [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kenneth L. Luskey and Jian Luo

Application No.: 10/660,112

Filed: September 10, 2003

For: USE OF (-)(3-  
TRIHALOMETHYLPHENOXY)(4-  
HALOPHENYL) ACETIC ACID  
DERIVATIVES FOR TREATMENT OF  
INSULIN RESISTANCE, TYPE 2  
DIABETES AND HYPERLIPIDEMIA

Examiner: Rebecca Cook

Art Unit: 1632

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the U.S. patent references are not enclosed. Copies of the non-patent literature references [in compliance with the requirements of 37 CFR §1.98(a)(2)] are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

01/11/2006 HGBREH1 00000030 201430 10660112


02 FC:1806 180.00 DA

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Frank J. Mycroft  
Reg. No. 46,946

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 925-472-8895  
FJM:kar

Substitute for form 1449A&amp;B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Use as many sheets as necessary)

Sheet 1 of 2**Complete if Known**

Application Number	10/660,112
Filing Date	September 10, 2003
First Named Inventor	Luskey, Kenneth L.
Art Unit	1632
Examiner Name	Rebecca Cook
Attorney Docket Number	016325-003721US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-5,716,987	02-10-1998	Wille	
	AB	US-2004/0204472	10-14-2004	Briggs	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AB1	WO	92/17435		10-15-1992	Weber et al.		<input checked="" type="checkbox"/>

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AC	BROOKS, D. A. et al., "Design and Synthesis of 2-Methyl-2-[4-[2-(5-methyl-2-aryloxazol-4-yl)ethoxy]phenoxy] propionic Acids: A New Class of Dual PPAR $\alpha$ Agonists," <i>J. Med. Chem.</i> , 44:2061-2064 (2001)	
	AD	DORFLER, H. et al., "Primärer Verteilungsraum und Plasmahalbwertszeit von intravenös verabreichtem Insulin," <i>Med. Poliklinik Univ. München</i> pp. 1297-1299 (1973)	
	AE	FANELLI, G.M., Jr. "Renal Excretion and Uricosuric Properties of Halofenate A Hypolipidemic Uricosuric Agent in the Chimpanzee," <i>J. Pharmacol. Exp. Ther.</i> , 180:377-396 (1972)	
	AF	GAVIN III, J.R. et al., "Report of the Expert Committee on the Diagnosis and Classification of Diabetes Mellitus," <i>Diabetes Care</i> , 22:S5-S19 (1999)	
	AG	JAIN, A. et al., "Potentiation of Hypoglycemic Effect of Sulfonylureas by Halofenate," <i>New England J. of Med.</i> 293:25, pp. 1283-1286 (1975)	
	AH	KOBAYASHI, M. et al., "Improvement of Glucose Tolerance in NIDDM by Clofibrate," <i>Diabetes Care</i> , 11:6, pp. 495-499 (1988)	
	AI	KRUT, L. H. et al., "Comparison of Clofibrate with Halofenate in Diabetics with Hyperlipidaemia," <i>S. A. Med. J.</i> , pp. 348-352 (1977)	
	AJ	MANDEL, L. R., "Studies on the Mechanism of Action of Halofenate," <i>Lipids</i> , 12:1, pp. 34-43 (1976)	
	AK	McMAHON, F.G. et al., "Some Effects of MK-185 on Lipid and Uric Acid Metabolism in Man," <i>Univ. Mich. Med. Center J.</i> , 36(4):247-248 (1970)	
	AL	NEUMAN, J. et al., "A double-blind comparison of the hypolipidemic and hypouricemic action of halofenate and clofibrate in patients with hyperlipoproteinemia," <i>J. Cardiovasc. Surg. Torino, Spec. No.</i> 32-7:532-537 (1973)	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A&B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/660,112	
			Filing Date	September 10, 2003	
			First Named Inventor	Luskey, Kenneth L.	
			Art Unit	1632	
			Examiner Name	Rebecca Cook	
Sheet	2	of	2	Attorney Docket Number	016325-003721US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AM	SCHAEFFER, S., "Trying to beat PPAR," <i>BioCentury, The Bernstein Report on BioBusiness</i> , pp. 1-3, (Reprint from June 14, 2004)	
	AN	SCHLOSSTEIN, L.H. et al. "Studies with some novel uricosuric agents and their metabolites: correlation between clinical activity and drug-induced displacement of urate from its albumin-binding sites," <i>J. Lab. Clin. Med.</i> , 82:412-418 (1973)	
	AO	TURNER, N.C. et al., "Insulin resistance, impaired glucose tolerance and non-insulin-dependent diabetes, pathologic mechanisms and treatment: Current status and therapeutic possibilities," <i>Progress in Drug Research</i> , 51:34-94 (1998)	
	AP	VEDELL, E.S. et al., "Differential Effects of Chronic Halofenate Administration on Drug Metabolism in Man," <i>Fed. Proc.</i> , 31:538 (1972)	
	AQ	WRIGHT A.D., et al., "UKPDS 28: A Randomized Trial of Efficacy of Early Addition of Metformin in Sulfonylurea-Treated Type 2 Diabetes," <i>Diabetes Care</i> , 21:87-92 (1998)	
	AR	METABOLEX, The Diabetes Biopharmaceutical Company, "Metabolic Diseases Drug Discovery & Development Summit," <i>Strategic Research Institute</i> , (May 6-7, 2002)	

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.